PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , AUGUST 27 , 19 91

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING August 27 ,19 91 , IN Regular SESSION. PRESIDENT Samuel J. Talarico IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY P , BURNS P , EDMONDS P ,
GiaQUINTA P , HENRY A , LONG P ,
REDD P , SCHMIDT P , TALARICO P. ,

ABSENT:

COUNCILMEMBER: , ,
, ,

THE MINUTES OF THE LAST REGULAR August 13 ,19 91
,19 ,
SPECIAL ,19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 27th day of August, 19 91, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 4th day of September, 19 91.

Sandra E. Kennedy

City Clerk

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD - CLASS COMMUNITY

Paul Helmke
Mayor

8 August 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated utility easements.

The proposed ordinance is designated as:

BILL NO. G-90-03-27

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
8th day of August 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

G-90-03-27
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Utility Easement Vacation

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Utility Easements within Northcrest Shopping Center

Reason for Project

Easements are no longer needed.

Discussion (Including relationship to other Council actions)

19 March 1990 - Public Hearing

Pete Mallers, attorney for the petitioners appeared before the Commission. Mr. Mallers stated that this situation came up, somewhat after the fact. He stated that they had assumed that as a certain portion of the center was being developed the easements would be vacated. They assumed the vacation would be handled through the various development stages by the engineers or developers. He stated however they have found in viewing an as built survey that the easements had not been vacated. He stated that they had filed the petition to clear the matter of the vacations up. He stated that they had not learned of any objections to the vacation. He stated that they have relocated all of the easements.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Northcrest Shopping Center City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

26 March 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the six members present five voted in favor of the motion, one did not vote. Motion carried.

NOTE: This request has been held pending some easement agreements that needed to be worked out between the petitioner and Terry Atherton the Director of Water Resources. The Plan Commission office received the resolution back from the Board of Works on August 8, 1991 with a memo stating that the petitioner had satisfied Mr. Atherton's request.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 14 February 1990

Projected Completion or Occupancy **Date** 9 April 1990

Fact Sheet Prepared by **Date** 9 April 1990
Patricia Biancaniello

Reviewed by **Date**
Michael A. Sapp

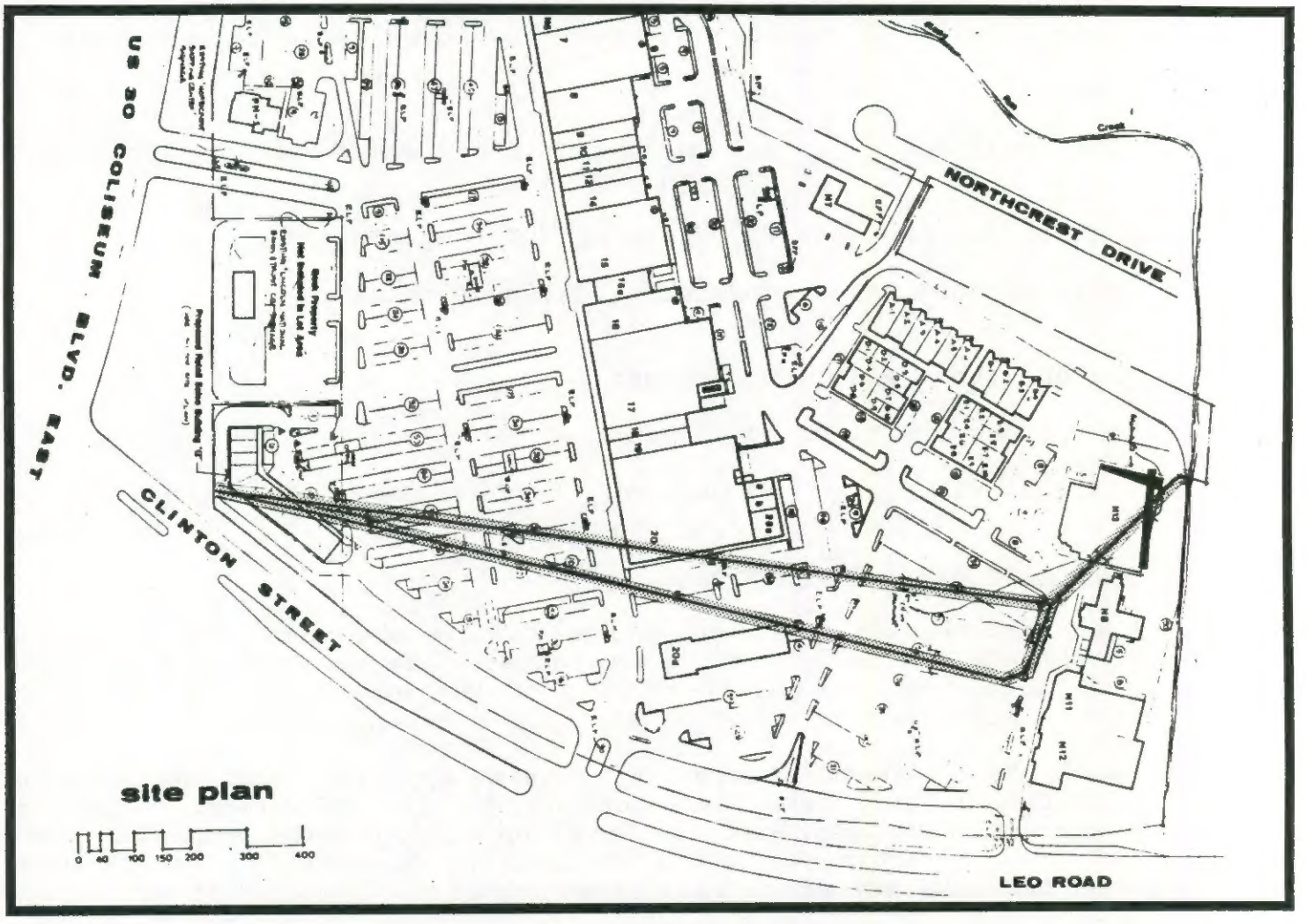
Reference or Case Number

VACATION PETITION #424

A PETITION TO VACATE THE DESCRIBED UTILITY EASEMENTS.

MAP NO. **N-30**

COUNCILMANIC DISTRICT NO. **3**



ZONING:

B2D SHOPPING CENTER

LAND USE:

☐ *COMMERCIAL*

SCALE: NTS

DATE: 3-6-90

N

Lake County Trust Company, requests the vacation of utility easements located in Northcrest Shopping Center.

Location: Northcrest Shopping Center

Legal: See File

Land Area: Approximately 1.2 acres total (4 easements)

Zoning: B-2-D

Surroundings: All easements are located within Northcrest Shopping Center.

Reason for Request: Easements are no longer needed.

Neighborhood Assoc.:Northcrest Civic Association

Neighborhood Plan: No comment

Comprehensive Plan: No comment

Landscape: No comment

Planning Staff Discussion:

The petitioners are requesting the vacation of four utility easements within the shopping center. We understand the there has been considerable re-routing of the on-site utilities which would allow the elimination of these easements.

When the General Cinema site was approved for Northcrest, additional utilities were caused to be relocated. It was apparently assumed that the vacation of easements was taken care of in conjunction with the relocation, however the record does not indicate any prior vacations.

We have no objection to the vacation of these easements, as the petitioner has either granted, or will grant easements as required.

Recommendation: Conditional Approval, contingent upon the petitioner providing utility easements or relocations as required.

1) Approval will not adversely impact any other property owner.

2) Approval will not hinder access to public ways or public utilities.

3) Approval will not negatively impact the value of any property adjoining the easements.

RESOLUTION

WHEREAS, the LAKE COUNTY TRUST COMPANY (Northcrest Shopping Center) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

EASEMENT NO. 1

An easement fourteen (14) feet in width symmetrical about the following described centerline for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities under and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence in a Northerly direction 1552.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the centerline of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet South 18 degrees, 50 minutes West from the centerline of Stony Run.

(DR# 516, Pg. 551-3; on attached survey, easement marked in yellow).

EASEMENT NO. 2

An easement 14.0 feet in width symmetrical about the following described centerline for underground force sewer main and its appurtenances in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the south line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence North 11 degrees 37 minutes 20 seconds East 1544.3 feet; thence North 33 degrees 22 minutes 40 seconds West 40.0 feet; thence North 78 degrees 22 minutes 40 seconds West 137.9 feet; thence Northwesterly 272.5 feet to a point on the projected centerline of Wakefield Avenue as platted in Northcrest, Section 1, Extended in Plat Book 23, pages 147 and 148 in the Office of the Recorder of Allen County, Indiana, said point being 30.0 feet South 18 degrees 15 minutes West of the Southwest corner of Northcrest, Section 1, Extended; thence Northeast along said projected centerline of Wakefield Avenue to the South line of Northcrest, Section 1, Extended and Northcrest Section 2, all an addition to the City of Fort Wayne, Indiana.

(DR #555 Pg. 197-8; on attached survey, easement marked in yellow).

EASEMENT NO. 3

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line

of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, Pages 134-137; thence South 18 degrees 20 minutes 20 seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 199-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the East right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along said easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes West along said building a distance of 4.5 feet to the Southwest corner of the Northcrest Theater building; thence North 11 degrees 03 minutes East along the West edge of building a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement marked in pink, only portion under building being vacated).

EASEMENT NO. 4

A 14 foot utility easement 7 feet either side of the following described centerline.

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing on the Easterly right-of-way line of Northcrest Drive at a point situated 45.0 feet, South 25 degrees 02 minutes West from the Southwest corner of Block "F", in Northcrest, Section 4, the plat of which is recorded in Plat Book 24, pages 89-94 in the Office of the Recorder of Allen County, Indiana; thence South 77 degrees 52 minutes East, a distance of 138.1 feet; thence North 32 degrees 24 minutes East, a distance of 125.6 feet; thence North 29 degrees 17 minutes East, a distance of 306.5 feet; thence North 37 degrees 22 minutes East, a distance of 119.0 feet; thence South 83 degrees 21 minutes East, a distance of 66.2 feet to a point, said point being Point "A" in an easement recorded at Document #87-013180; thence South 83 degrees 21 minutes East, a distance of 10.3 feet to the point of beginning; thence South 83 degrees 21 minutes East, along the centerline of an easement recorded in Document #87-013180, a distance of 170.5 feet to the point of termination.

(Doc. 87-013180; partial release; on attached survey, easement marked in green).

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on March 19, 1990 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easements.

WHEREAS, said vacation of dedicated utility easements have been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easements in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held March 26, 1990, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 10th DAY OF April 1990

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

RESOLUTION

WHEREAS, the LAKE COUNTY TRUST COMPANY (Northcrest Shopping Center) has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

EASEMENT NO. 1

An easement fourteen (14) feet in width symmetrical about the following described centerline for the installation and maintenance of sewer lines, water lines and other underground public and quasi-public utilities under and across the real estate in the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the South line of the West half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence in a Northerly direction 1552.0 feet to a point situated 530 feet West of the East line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana; thence in a Northwesterly direction 274.0 feet to a point in the centerline of a street 50.0 feet in width to be known as Wakefield Drive, said point being situated 26.0 feet South 18 degrees, 50 minutes West from the centerline of Stony Run.

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Beginning at a point on the south line of the West Half of Section 24, Township 31 North, Range 12 East in Allen County, Indiana, said point being situated 684.4 feet West of the Southeast corner of the West Half of said Section 24; thence North 11 degrees 37 minutes 20 seconds East 1544.3 feet; thence North 33 degrees 22 minutes 40 seconds West 40.0 feet; thence North 78 degrees 22 minutes 40 seconds West 137.9 feet; thence Northwesterly 272.5 feet to a point on the projected centerline of Wakefield Avenue as platted in Northcrest, Section 1, Extended in Plat Book 23, pages 147 and 148 in the Office of the Recorder of Allen County, Indiana, said point being 30.0 feet South 18 degrees 15 minutes West of the Southwest corner of Northcrest, Section 1, Extended; thence Northeast along said projected centerline of Wakefield Avenue to the South line of Northcrest, Section 1, Extended and Northcrest Section 2, all an addition to the City of Fort Wayne, Indiana.

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Commencing at the intersection of the centerline of Wakefield Avenue and the projection East of the South line

of Lot #287 in Northcrest, Section 2, an addition to the City of Fort Wayne, recorded in Plat Book 22, Pages 134-137; thence South 18 degrees 20 minutes 20 seconds West along the centerline of a 50 foot easement recorded in Deed Record #555 pages 199-200, a distance of 109.3 feet; thence South 78 degrees 57 minutes East a distance of 6.3 feet to the Northwest corner of the Northcrest Theater building; thence South 78 degrees 57 minutes East along the North edge of a building a distance of 19.0 feet to the East right-of-way line of said 50 foot easement; thence South 18 degrees 20 minutes 20 seconds West along said easement line a distance of 114.9 feet to the South edge of building; thence North 78 degrees 57 minutes West along said building a distance of 4.5 feet to the Southwest corner of the Northcrest Theater building; thence North 11 degrees 03 minutes East along the West edge of building a distance of 114.0 feet to the point of termination.

(DR #555 Pg. 199-200; on attached survey, easement marked in pink, only portion under building being vacated).

EASEMENT NO. 4

A 14 foot utility easement 7 feet either side of the following described centerline.

Part of the North 60 acres of the East half of the Southwest Quarter of Section 24, Township 31 North, Range 12 East, Allen County, Indiana, more particularly described as follows:

Commencing on the Easterly right-of-way line of Northcrest Drive at a point situated 45.0 feet, South 25 degrees 02 minutes West from the Southwest corner of Block "F", in Northcrest, Section 4, the plat of which is recorded in Plat Book 24, pages 89-94 in the Office of the Recorder of Allen County, Indiana; thence South 77 degrees 52 minutes East, a distance of 138.1 feet; thence North 32 degrees 24 minutes East, a distance of 125.6 feet; thence North 29 degrees 17 minutes East, a distance of 306.5 feet; thence North 37 degrees 22 minutes East, a distance of 119.0 feet; thence South 83 degrees 21 minutes East, a distance of 66.2 feet to a point, said point being Point "A" in an easement recorded at Document #87-013180; thence South 83 degrees 21 minutes East, a distance of 10.3 feet to the point of beginning; thence South 83 degrees 21 minutes East, along the centerline of an easement recorded in Document #87-013180, a distance of 170.5 feet to the point of termination.

(Doc. 87-013180; partial release; on attached survey, easement marked in green).

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of the dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held 7 AUGUST 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 7 DAY OF August 1991

~~FORT WAYNE BOARD OF PUBLIC WORKS~~

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member

Douglas M. Lehman
Director of Administration & Finance

THE CITY OF FORT WAYNE

FORT WAYNE - A WORLD ~ CLASS COMMUNITY

Paul Helmke
Mayor

24 July 1991

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of dedicated utility easements.

The proposed ordinance is designated as:

BILL NO. G-91-07-18

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of July 1991.

Robert Hutner
Secretary

337-M

RECYCLED

FACT SHEET

G-91-07-18
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Utility Easement Vacation

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

A 14 foot utility easement located in Meek's Commercial Addition.

Reason for Project

Future development.

Discussion (Including relationship to other Council actions)

15 July 1991 - Public Hearing

David Steiner, attorney with Barrett & McNagny appeared before the Commission. Mr. Steiner stated that they were representing one of the petitioners Dominion Investments, which is an Indiana General Partnership. He stated that the plat was recorded in 1957, there does not appear to be any needed use connected with the easements nor are there any restrictions in the covenants regarding the use of the easements. He stated that they are seeking the vacation because one of the parcels of property has been sold to Don Hall's Restaurant and as part of the purchase agreement the current owner is required to seek the vacation of the easement. He stated therefore, it is essential to obtain the vacation in order that the purchase agreement be satisfied.

There was no one else present who wished to speak in favor or of in opposition to the proposed vacation.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Dominion Investmen Hall Drive Ins, Inc & Tewel Corporation City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

DETAILS

22 July 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** June 3, 1991

Projected Completion or Occupancy **Date** July 24, 1991

Fact Sheet Prepared by **Date** July 24, 1991

Patricia A Biancaniello

Reviewed by **Date**

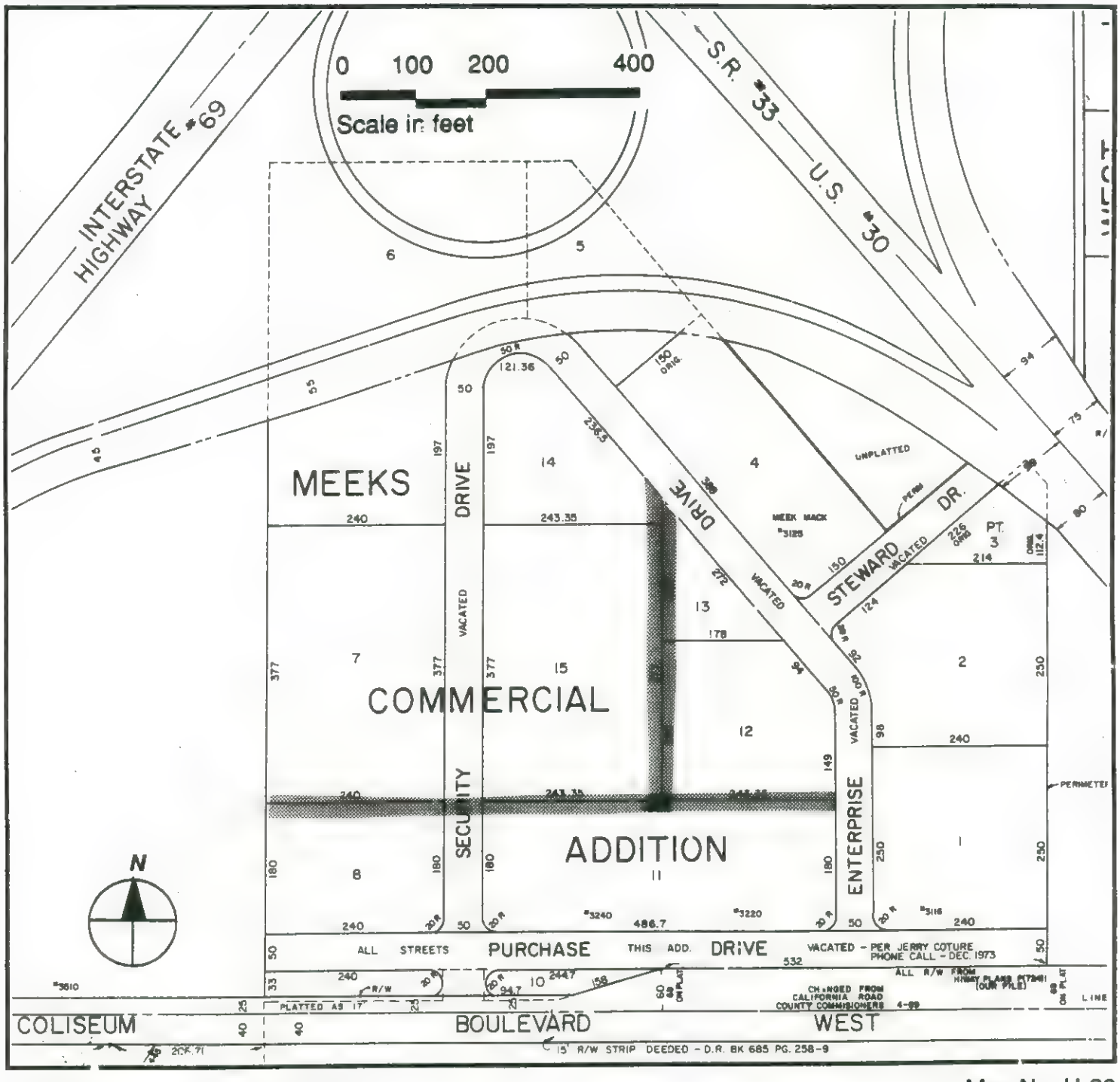
Michael A. Sapp

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #461



COUNCILMANIC DISTRICT NO. 3

Map No. H-30
LW 6-25-91

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Thomas M. Nizer, attorney for Tewel Corporation, requests the vacation of utility easements.

Location:	Located in Meek's Commercial Addition, off of Coliseum Blvd. West
Legal:	See File
Land Area:	Approximately 0.37 acres
Zoning:	Does not apply
Surroundings:	This is located in an M-1 subdivision, which contains existing commercial uses, with more commercial and retail uses planned for the future.
Reason for Request:	Future development
Neighborhood Assoc.:	None
Comprehensive Plan:	No comment.
Neighborhood Plan:	No comment.
Landscape:	No comment.

Planning Staff Discussion:

The adjacent property owners are Dominion Investments and Hall Drive-Ins, Inc. which have both signed the petition that was submitted.

The petitioners state that they are the only owners of property bordering all sides of the easement. The easement is not necessary for ingress/egress or other utility service use. Further, since the plat was recorded in 1957, there does not appear to be any needed use connected with the easements.

As the easements are not necessary to access concerns, nor to the future growth of the City, we do not have any objection to vacation. We do not believe that the value of the land will be diminished by the vacation, and in fact, believe that vacation may allow additional development to occur.

Recommendation: Conditional Approval, subject to the petitioners providing utility easements or relocations as needed.

1) Approval will not hinder anyones access to public or private

places.

2) Approval will not diminish property values.

3) Since the original platting in 1957, market conditions have changed. Approval of the vacation will allow the opportunity for new commercial/retail development that may be an asset to the area.

RESOLUTION 79-89-7

WHEREAS, DOMINION INVESTMENTS, HALL DRIVE-INS, INC. and TEWEL CORPORATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

The South 7 feet of Lot Numbered 7, except the West 14 feet, and the North 7 feet of Lot Numbered 8, except the West 14 feet, in Meek's Commercial Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana,

TOGETHER WITH:

The North 7 feet of Lot Numbered 11, the South 7 feet of Lot Numbered 12 and the South 7 feet of Lot Numbered 15 in Meek's Commercial Addition, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana,

TOGETHER WITH:

The West 7 feet of Lot Numbered 12, the West 7 feet of Lot Numbered 13, and the East 7 feet of Lot Numbered 15 in Meek's Commercial Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Pubilc Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated utility easements herein-before described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated easements or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, CHARLES E. LAYTON, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held July 31, 1991 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 31 DAY OF July 1991

FORT WAYNE BOARD OF PUBLIC WORKS

Charles E. Layton
Director of Public Works

Katherine A. Carrier
Member, Board of Public Works

Douglas M. Lehman
Director of Administration & Finance

RESOLUTION

WHEREAS, DOMINION INVESTMENTS, HALL DRIVE-INS, INC. and TEWEL CORPORATION have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated utility easements situated in Fort Wayne, Allen County, to-wit:

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TOGETHER WITH:

The North 7 feet of Lot Numbered 11, the South 7 feet of Lot Numbered 12 and the South 7 feet of Lot Numbered 15 in Meek's Commercial Addition, as recorded in the plat thereof, in the Office of the Recorder of Allen County, Indiana,

TOGETHER WITH:

The West 7 feet of Lot Numbered 12, the West 7 feet of Lot Numbered 13, and the East 7 feet of Lot Numbered 15 in Meek's Commercial Addition as recorded in the plat thereof in the Office of the Recorder of Allen County, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 15, 1991 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated utility easements

WHEREAS, said vacation of dedicated utility easements has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated utility easements hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated utility easements or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated utility easements in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 22, 1991, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 24th DAY OF July 1991

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary